

REMARKS

In the present Amendment, claim 1 is amended to incorporate the subject matter of claim 2, which depends from claim 1. Claim 2 is cancelled.

Claims 6-8 are amended to replace the term "compact" with "molding."

No new matter is added, and entry of the Amendment is respectfully requested. After entry, claims 1 and 3-16 will be pending.

In Paragraph No. 5 of the Action, claims 6-8 are rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite.

In regard to the term "compact" in claims 6-8, the above noted amendment replacing the term "compact" with the word "molding" is believed to overcome this aspect of the rejection. Applicants submit that persons skilled in the art would understand that a "compact" in this context means the same thing as a "molding."

In regard to the expression "rapping image," Applicants submit that claim 8 as written complies with the definiteness requirement of section 112.

Applicants submit that rapping means removing (rapping) a letter, design, pattern image or the like from a plate-shaped product as described on page 24, first full paragraph, of the present specification. Thus, rapping image means an image removed (rapped) from the plate-shaped product, which would be understood by persons skilled in the art. Applicants have further advised that the content of claim 8 is supported by the color changing means of Example 5 of the present specification.

Accordingly, Applicants submit that claims 6-8 are clear and definite and respectfully request the Examiner to reconsider and withdraw the § 112, second paragraph, rejection of these claims.

In Paragraph No. 7 of the Action, claim 1 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Gordon (U.S. Patent No. 2,460,221).

As noted above, claim 1 is amended to incorporate the subject matter of claim 2, which depends from claim 1. Claim 2 is not subject to the present rejection.

Accordingly, Applicant respectfully requests withdrawal of the § 102(b) rejection of claim 1 based on Gordon.

In Paragraph No. 9 of the Action, claims 2-7 and 15-16 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gordon, Kamada (U.S. Patent No. 5,208,132) and Tomonaga (U.S. Patent Publication No. 2002/0114956).

Applicants respectfully traverse. The cited references do not disclose or fairly suggest the method for alternately expressing a color-memorizing photochromic function in a toy element using a diaryl ethene photochromic compound as recited by the present claims. Gordon relates to a luminescent amusement device which, utilizing a so-called light-accumulating property, absorbs optical energy and emits light. Gordon discloses a device having a light-sensitive coating (13) on a sheet (12), wherein the light-sensitive coating is described to contain zinc sulphide. See Gordon col. 1, lines 55-56.

In the luminescent amusement device disclosed by Gordon, the light-sensitive coating is subjected to an irradiation by light after placing image-forming elements (15, 16, 17, 18 and 19)

on the light-sensitive member. Then, the image forming elements are removed, whereby a light non-emitting image becomes visible (a state where the peripheral area of the image emits light). Gordon further discloses that the image can be promptly erased by covering with quenching means (25), but the luminescent amusement device is of a type, when it is let to stand without covering by the quenching means, the light emission becomes gradually weaker whereby the image becomes no longer visible. Sec. e.g., Gordon col. 2, lines 5-9.

On the other hand, the toy recited by the present claims—having a photochromic layer containing a diaryl ethene photochromic compound—develops a color by an irradiation of ultraviolet rays or sunlight containing ultraviolet rays and is capable of maintaining the colored state.

Thus, the toy recited by the present claims is different in structure and effect from the amusement device of Gordon, in which, when let to stand, the light emission becomes gradually weaker whereby the image cannot be maintained.

With regard to Kamada, Kamada discloses a photochromic material wherein a composition having an organic photochromic compound dissolved or dispersed in a hindered amine-compound is microencapsulated.

As the organic photochromic compound, Kamada discloses spirooxazine compounds, spiropyran compounds, pyran compounds and the like, but does not disclose the diaryl ethene photochromic compound employed in the present invention, nor the toy having a photochromic layer containing a diaryl ethene photochromic compound.

Thus, the toy recited in the present claims is different in structure than the composition disclosed by Kamada.

With regard to Tomonaga, Tomonaga discloses in its Background section, materials that show photochromic properties, including inorganic materials and organic materials, such as diaryl ethene. See Tomonaga [0004].

However, Tomonaga relates to glass utilizing an inorganic photochromic material. See, Tomonaga [0004]. Further, Tomonaga teaches a process of heating and melting wherein a photochromic coating film having an inorganic photochromic material can be formed on a glass substrate having coloration and color fading characteristics of a level equal to that obtainable by a melting method. See Tomonaga [0070].

Thus, the toy recited by the present claims is different in structure, purpose and effect from the composition disclosed by Tomonaga.

Moreover, a person having skill in the art would not consider applying glass to a toy requiring safety. Therefore, even if Tomonaga did disclose or fairly suggest Applicants' method for alternately expressing a color-memorizing photochromic function in a toy element using a diaryl ethane compound, which it does not, Applicants submit that there would be no motivation to combine the disclosure of Tomonaga with the disclosures of Gordon and/or Kamada.

Applicants also submit that the toy having a photochromic layer containing a diaryl ethene photochromic compound and the color-changing means recited by the present claims cannot be easily invented by combining cited references. There is no description in the references suggesting a particular photosensitive color-changing toy capable of constantly

maintaining a state where a diaryl ethene photochromic compound develops color by a light irradiation containing ultraviolet rays and/or a state where the color is erased by irradiating with light of wavelengths other than ultraviolet (i.e., the ultraviolet rays in, for example, sunlight have been absorbed). See the present specification at the paragraph bridging pages 31 to 32.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the §103(a) rejection of claims 2-7 and 15-16 based on Gordon, Kamada and Tomonaga.

In Paragraph No. 10 of the Action, claim 8 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gordon, Kamada and Tomonaga.

Applicants respectfully traverse.

As noted above, Applicants submit that the cited references do not disclose or fairly suggest the method for alternately expressing a color-memorizing photochromic function in a toy element using a diaryl ethene compound as recited by present claim 1.

Claim 8 depends from claim 1 and is patentable over the art for at least the same reasons as claim 1.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the §103(a) rejection of claim 8 based on Gordon, Kamada and Tomonaga.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Attorney Docket No.: Q78201

AMENDMENT UNDER 37 C.F.R. § 1.111

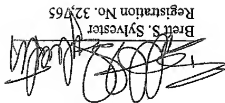
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